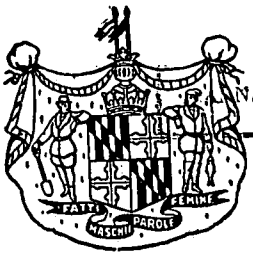

STATE OF MARYLAND

REPORT AND

RECOMMENDATIONS

of

GOVERNOR'S TASK FORCE

on

PUBLIC EMPLOYEE

LABOR RELATIONS

DECEMBER, 1968

Letter of Transmittal

December 23, 1968

The Honorable Spiro T. Agnew
Governor of the State of Maryland
Members of the General Assembly

Gentlemen:

The Governor's Task Force on Public Employee Labor Relations has the honor to submit its report containing recommendations for legislative action.

The central theme of our recommendations stresses voluntarism on the basis that the parties closest to any situation are in the best position to solve problems related to public employee labor relations. Our recommendations provide certain rights to employees, definite procedures to resolve issues in dispute, the involvement of employees in the determination of their working conditions and the procedures for the resolution of employee grievances.

We wish to note that the dissents from the recommendations regarding the right of public employees to strike reflect both the full consideration given to this important matter and the wide divergence of opinions held nationally on this issue.

It should also be noted that Mr. Herbert Hubbard dissents as to all recommendations in the Report.

We believe, however, that the basic approach of the Task Force and its recommendations are broadly in the public interest and will improve public service in the State of Maryland.

Our files are available for the use of the Governor's staff and that of the General Assembly. We shall, of course, be pleased to assist in drafting appropriate legislation to implement these recommendations.

The following members originally appointed to the Task Force are not signatory to the Report for the following reasons: Mr. Henry G. Parks resigned; Senator Louise Gore, Delegate Edward Bagley, Judge Paul A. Dorf and Samuel Daniels were unable to participate fully because of other commitments.

Respectfully submitted,

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Acknowledgments

On behalf of the Task Force I wish to express our appreciation for the assistance rendered by a number of individuals and groups. As Chairman, I am personally grateful for the interest, effort, time, and cooperation of the various members of the Task Force.

We were fortunate in having the services of a most cooperative and competent staff assistant, Mrs. Bettye Eubanks, whose interest in and devotion to the Task Force contributed so substantially to the completion of our project.

Special thanks are also due to Messrs. Herbert J. Belgrad and Norman Buchsbaum, (associates of Task Force members, Charles B. Heyman and Earle K. Shawe, respectively), who were extremely helpful is assisting the Task Force.

We also had the expert guidance and counsel of a number of individuals with long experience in the field to whom we express our sincere appreciation: Louis S. Wallerstein, Director, Federal Bureau of Employee-Management Relations, U.S. Department of Labor; Arvid Anderson, Chairman, Office of Collective Bargaining, New York City; Miss Mary L. Hennessy, Director of Research, Public Personnel Association; Richard W. McClelland, Program Executive of Governor Agnew's Staff; and the individuals listed in Appendix A who testified and/or presented written statements of position which assisted the Task Force in making its recommendations.

LOUIS ARONIN, *Chairman*

REPORT AND RECOMMENDATIONS OF THE GOVERNOR'S TASK FORCE ON PUBLIC EMPLOYEE LABOR RELATIONS

—*"The question of labor relations with public employees has become a critical governmental problem throughout the country . . . A clearly defined State policy is needed to handle disputes and avoid the crippling work stoppages and all-out strikes that we have witnessed."*—
—SPIRO T. AGNEW, March 31, 1968

In appointing the Governor's Task Force on Public Employee Labor Relations, Governor Agnew directed our attention to the following subjects:

1. The feasibility of authorizing collective negotiation with the public sector either through administrative policy or legislation.
2. The role and recognition of one or several public employee representative organizations and the alternatives to the principles of exclusive recognition.
3. The relationship and applicability of any State collective negotiation legislation to local governments.
4. The development of an appropriate administrative unit to focus exclusively on public employer-employee relations.
5. The possible impact of legalized collective negotiation upon the budget and the fiscal condition of government.
6. The relationship between the merit system and any possible collective negotiation arrangements.
7. The scope and limits of governmental collective negotiation that should be prescribed by law.
8. Procedures by which bargaining disputes may be settled without interruption to public service.

The Task Force believes that while there are some similarities between public and private labor relations, there are also inherent differences. These differences arise from the nature

of the public employer as a sovereign charged with obligations to all the people. Its authority stems from fundamental constitutional arrangements. Public employers cannot abdicate or bargain away their legislative discretion. Both the public employer and public employees are employees of the government of the people and owe allegiance to that government. It should be the aim of every public employee to do his or her part to perform their government function as efficiently and economically as possible with uninterrupted service to all the people.

The Task Force considered the reports, legislation and experiences of a number of States and municipalities,[1] and the *National Governor's Conference Report of the Task Force on State and Local Government Labor Relations.* Representatives of the Task Force attended conferences dealing with public employee labor relations; met with recognized authorities in the field; and held two days of public hearings to confer with representatives drawn from governmental agencies, public employee organizations, and other interested groups, throughout the State representing a broad spectrum of opinions.

On the basis of our study and evaluation, and our discussions in executive sessions, the Task Force strongly recommends the enactment of positive legislation to effectuate the proposals contained herein.

These recommendations are designed to meet the changing character of public employee problems in a constructive way. Our central concern is with public-sector performance; not only with the elimination of labor stoppages, but total labor performance rather than labor-management crisis. The prevention of strikes should receive top priority, but we believe that continued examination of government operations under collective negotiations and the development of new channels of information and communication between parties are essential. Our recommendations will not solve all problems, as there are no panaceas. This Report is but the begin-

[1]California, Connecticut, Delaware, Illinois, Michigan, New Jersey, New York, Pennsylvania, and Wisconsin; New York City, Baltimore City, Philadelphia and Los Angeles.

ning of a continuing effort to meet the challenges of the times in the public employment field.

Recent events in the public sector, both on a national and state level,[2] have convinced us that it is in the public interest to provide a stable framework for the orderly development of government-employee relations. Following the passage of the Professional Negotiation Statute, enacted by the Maryland General Assembly in 1968, to permit teachers to organize and bargain collectively, there has been evidence on the local level of an effort to establish procedures to formalize government-employee labor relations. It is the considered view of the Task Force, however, that it is the responsibility of the State to provide the necessary framework and machinery for the development of orderly and workable procedures in the public employment sector.

Each member of the Task Force does not necessarily agree with each recommendation herein made. However, the members of the Task Force agree that the Report in its entirety provides a sound basis for legislation on the subject. Accordingly, we submit the following recommendations:

1. Employees shall have the right to self-organization, to form, join or assist employee organizations, to negotiate collectively through representatives of their own choosing, and also shall have the right to refrain from any or all such activities.

The Task Force endorses in the public sector the principles set forth above which have become recognized and accepted as the basis for stable labor relations in the private sector.[3] In adopting the above language, the Task Force has followed the pattern of those States which have enacted public employee labor legislation. It is also the sense of the Task Force that no public employee shall, as a condition of employment,

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[2]Maryland has experienced work stoppages and disputes involving, among others, school teachers, sanitation workers, firemen, policemen, social workers, and laborers.

[3]In varying degrees these rights have existed for many years among many of Maryland's state employees.

be required to become or to remain a member of any employee organization.[4]

2. Representatives designated or selected for the purposes of collective negotiations by the majority of employees in a unit appropriate for such purposes shall be the exclusive representatives of all employees in such unit for the purposes of collective negotiations with respect to wages, hours, or other conditions of employment; provided that any individual or a group of employees shall have the right at any time to present grievances to their employer and to have such grievances adjusted without the intervention of a bargaining representative, as long as the adjustment is not inconsistent with the terms of the collective bargaining contract or agreement then in effect; provided further, that the bargaining representative has been given an opportunity to be present at such adjustment.

Experiences in both the public and private sectors have demonstrated that negotiation with several employee organizations for the same group of employees creates rivalry which leads to discord, injures employee morale and reduces operational efficiency. In according an employee organization the status of exclusive representative of employees in a unit appropriate for purposes of collective negotiations the Task Force is cognizant of the obligation imposed on such representative to fairly represent all employees in the unit without discrimination of any nature.

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[4]Mr. Heyman notes his dissent as follows: The Task Force Report states that there are "some similarities between public and private labor relations". At the same time, however, the Report indicates that in certain areas there are inherent differences. Without adequate justification or support for this statement, the Task Force then apparently uses this self-serving distinction as a basis for recommending that no public employee shall, as a condition of employment, be required to become or remain a member of any employee organization. Under the National Labor Relations Act, management and labor are permitted to bargain collectively with respect to union security. The public policy of Maryland in the private sector is to permit management and labor to bargain collectively in this area. Yet, the Task Force would deny employees in the public sector this same privilege. Whether or not a public employee should, as a condition of employment, be required to become or remain a member of any employee organization should be left to collective bargaining. The proposed statute should not select this one area for a pre-bargaining determination.

3. Administration of the Act should be delegated to a new independent agency entitled "The Maryland Public Employee Labor Relations Board", consisting of a chairman, two State employer members appointed by the Governor, and two labor members selected by employee organizations.

There shall be a Board consisting of five members: two of whom shall be appointed by the Governor from a list of designees submitted by the Director of Budget and the Commissioner of Personnel to represent the employers' interest, and two of whom shall be appointed—one each—by the two employee organizations with the highest membership among State employees. These four appointees shall recommend a panel of three designees to the Governor, from whom the Governor shall select an impartial fifth member who shall be the chairman of the Board; provided however, that in the event the four members shall be unable to agree on a panel within a period of 30 days following their appointment, the Governor shall be free to select the chairman.

The Task Force recognizes that the effective administration of the statute requires that the Board should be composed of persons experienced in the field of employee relations. The Board should be empowered to act through a panel of three members, provided that such panel contains at least one State member and one labor member in addition to the chairman. The chairman of the Board should be a full-time employee and should be compensated at a level sufficient to attract the most qualified available person. The other four members of the Board should be compensated at an appropriate per diem basis. The chairman should have the authority to appoint such assistants from time to time as shall be provided for in the annual budget of the Board. The members of the Board shall be appointed for terms of six years, provided however that initially the chairman shall be appointed for a full six-year term. One State member and one labor member should be appointed for a term of two years and the second State and labor members should be appointed for a term of four years.

In addition to the administration of the Act, the Board shall among other duties, provide for selection of employee repre-

sentatives in units appropriate for purposes of collective negotiations;[5] assist in resolving impasses;[6] and process all charges of unfair labor practices.[7]

4. The Board should determine appropriate units for purposes of collective negotiations.

If the parties are unable to agree to the composition of the collective negotiations unit, the Maryland Public Employee Labor Relations Board shall conduct hearings, and on the basis of testimony taken, shall make a determination of the most appropriate unit for purposes of collective negotiations.[8] In making its unit determination, the Board shall consider the following criteria, which shall however not be exclusive: the community of interest among the employees, which includes similarities of job duties, wages, common supervision and common skills, educational requirements, and job location; the administrative and operational structure of the agency; the efficiency of operations.

The Task Force recognizes that all-encompassing bargaining units tend to submerge the interest of skilled occupational and professional groups. On the other hand, excessive fragmentation tends to defeat the collective negotiations process

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[5]See recommendation number 4.

[6]See recommendation number 10.

[7]See recommendation number 12.

[8]Mr. Heyman's dissent states: "The National Labor Relations Act provides for the selection of a collective bargaining representative by a 'majority of the employees in a unit appropriate for such purpose'. Although the Task Force in Recommendation 2, speaks of a representative being designated or selected for the purposes of collective negotiations by a majority of employees in a unit appropriate for such purposes, Recommendation 4 indicates that the Board shall make a determination of 'the most appropriate' unit for purposes of negotiation. The National Labor Relations Act as well as public employee acts in other jurisdictions provide for the selection of collective bargaining representatives 'in an appropriate unit'. By inserting the words 'the most', the Task Force suggests for Maryland a different treatment for establishing employee units in the public sector. Again the Task Force sets forth no logical basis for a distinction being made between the private and public sector in this area; further, this change of language creates an element of confusion. The determination of 'an appropriate unit' has proved workable and creative of stable management-employee relations. Accordingly, there does not appear to be any reasonable purpose or need to change this standard."

by focusing attention on organizational rivalry or by setting up units that are too small to establish bargaining patterns for the majority of public employees. Furthermore, such fragmentation may subject the employer in the bargaining process to whipsawing by rival employee organizations. The Task Force believes that excessive fragmentation of units should be avoided and that mere extent of organization by employees should not be controlling in a unit finding. Hence it is emphasized that a clear and identifiable community of interest must be found in making unit determinations.

5. Since voluntary settlement of questions concerning representation is desirable, the Board should act only if an unresolved question concerning representation is raised by an employing agency, an employee organization, or a group of employees constituting not less than 30 per cent of those in the determinative unit. In the absence of a signed agreement or a formal certification by the Board, an employing agency, presented with a demand for recognition, may raise a question of representation. Certification or a signed agreement should bar an election for a period to be determined by the Board, but in any event for a period of not less than one year.

Because important rights and interests are involved in the establishment of negotiating units, the Task Force carefully considered the question of whether the Board should be required to determine the appropriateness of every unit and to certify the representative for the unit before collective negotiations could be undertaken. It concluded that, with the safeguards specified in the recommendations above, employing agencies and employee organizations should be encouraged to settle questions of representation directly. This recognizes the well-established principle in employee relations that differences should be settled as close to the source as possible and also would keep the Board, especially in its early stages, from being overwhelmed with representation matters with the resulting delays and frustrations that could discredit the Board and the statute.

The Task Force considered the inclusion and exclusion of certain categories of employees in the appropriate negotiating unit and determined that:

a) All public employees should be included therein except elected officials, department and agency heads, members of boards and commissions, managerial employees, magistrates and judges, negotiating representatives for employing authorities, personal or confidential assistants and aides of the foregoing personnel, and supervisors;[9] and

b) Professional employees should not be included in any unit with non-professional employees unless professional employees first vote for such inclusion in a self-determination election; and

c) The Board should not decide that any unit is appropriate if it includes, together with other employees, any individual employed as a policeman, guard or other security officer to protect property or the safety of persons or the general public.

6. An employee organization should be certified by the Board as an exclusive negotiating representative only after it establishes a majority in a secret-ballot election. The Board should determine administratively whether an employee organization has made a sufficient showing (30 per cent) of membership among employees in a negotiating unit to justify an election. Other employee organizations may be included on the ballot if they make an appropriate showing (10 per cent) of interest acceptable to the Board. The choice of no organization shall also be included on the original ballot. An organization should be certified after a majority of those casting valid ballots in a representation election chooses that organization. In any election where none of the choices on the ballot receives a majority, a run-off should be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election. There should be no more than one valid election in a 12-month period.

Upon petition filed by 30 per cent or more of the employees in the unit, which has resulted from voluntary recognition or

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[9]Messrs. Davis and Slicher dissent from this recommendation and would not exclude supervisory employees from the negotiating unit.

from certification, a secret-ballot election may be conducted upon the expiration of the most recent contract, but no more recently than 12 months after a prior election has been conducted, in which the employees are afforded an opportunity to indicate whether the employee organization shall continue to be their exclusive representative.

The recommendations made herein with respect to election procedure have been largely derived from the rules and practices developed in other states and designed to fully guarantee employees their right of self-organization. The requirement of a secret-ballot election precludes the use of other ways of determining majority representation, such as card checks or signed petitions, which have often created controversies. The requirement of a sufficient showing of interest is designed to avoid a waste of the Board's time and resources in conducting elections where no substantial showing of representation has been made. In order to balance the need for stability of relations with the need for free choice by employees, a period of one year should elapse before another valid election may be held.

7. The statute should provide for check-off of dues to an employee organization upon the voluntary, written authorization of the employee,[10] *provided that such authorization is revocable in accordance with the rules and regulations to be promulgated and published by the Maryland Public Employee Labor Relations Board.*

8. The scope of collective negotiations should extend to wages, hours, and other conditions of employment.

Where wages, hours, and other conditions of employment are uniform for public employees generally, then collective negotiations should be conducted between a duly recognized employee organization or organizations and such representatives of the public employer who have the authority to effectively make recommendations to the Governor and to the General Assembly. Where such matters are not uniform and

[10]This is presently permitted in Maryland, but is not provided for by statute.

are within the authority of the employing agency or agencies, they should be collectively negotiated on the unit level.

It should be the exclusive function of each public employing agency to determine the mission of the agency, set standards of services to be offered to the public, and exercise control and discretion over its organization and operations.

It also should be the right of each public employing agency to direct its employees, take disciplinary action, relieve its employees from duty because of a lack of work or for other legitimate reasons and to determine the method, means, and personnel by which the agencies' operations are to be conducted. But this should not preclude employees and/or their duly recognized representatives from negotiating or raising grievances about the practical consequences that decisions on these matters may have on wages, hours, and other conditions of employment.

While a system of collective negotiations gives employee organizations a voice in the determination of their employment conditions, it must not prevent managers of governmental agencies from directing the public business efficiently and in the public interest.

It is also important to safeguard the fundamental principles of the Merit System. Final determination of rules and regulations concerning examinations, assignments, and promotions should be within the province of the Civil Service System, provided however, that the recommendations of an employee and/or his duly recognized representative should be considered in making such determination.[11]

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[11]Dr. Weinstein dissents to the extent that the Merit System and Civil Service System should be studied to suggest modifications required by the new institutional arrangements; unions and the above system are overlapping and this is a potential source of conflict.

Mr. Heyman dissents on the basis that the final determination of rules and regulations concerning recruitment, examination, promotion and classification of employees should not be within the exclusive province of the Civil Service System. These are matters in which public employees have a vested interest and where the best interest of the public can be advanced by permitting public employees to bargain over such matters.

The duty of both parties to negotiate in good faith should be defined so as not to compel any concession by either, but so as to require a good-faith intent by both to arrive at an agreement. Once an agreement is reached, the parties should have a duty to reduce their agreement to writing.

9. Even though a grievance procedure is provided in some agencies under the Civil Service System, or by regulation or proclamation, an employee organization and an employing agency may negotiate a procedure for handling grievances arising under their agreement. Any employee with a grievance must designate which of these procedures he wishes to follow at the time he presents his grievances, but he may not use both. It is further recommended that the grievance procedure provided by the Civil Service System, or by regulation, or proclamation, shall provide for a right to a hearing and determination by the Maryland Public Employee Labor Relations Board at the request of any of the aggrieved parties.

The purpose of this recommendation is to accommodate the principles of both the Merit System and collective negotiations. A grievance procedure is an essential protection against arbitrary action. It assures employees that the accepted rules and regulations are applied equitably and fairly.

10. (a) Employing agencies should be prohibited from committing unfair labor practices as follows:

1) Interfering with, restraining, or coercing employees in the exercise of their right of self-organization or non-organization;

2) Encouraging or discouraging membership in an employee organization by discrimination in regard to hire, tenure, promotion, or other conditions of employment;

3) Controlling or dominating an employee organization or contributing financial or other support to it, provided that an employing agency shall not be prohibited from permitting employees to confer with it during working hours without loss of time or pay; provided further that membership of supervisors in an employee organization shall not constitute evidence per se of a violation of this provision;

4) Disciplining or otherwise discriminating against any person because he has filed a charge of unfair labor practice or has given testimony in any proceedings under the statute;

5) Refusing to negotiate in good faith with a certified and/or recognized employee organization.

(b) Employee organizations should be prohibited from committing unfair labor practices as follows:

1) Interfering with, restraining, or coercing employees in the exercise of their right of self-organization or non-organization;

2) Inducing the employing agency or its representative to commit any unfair labor practices;

3) Refusing to negotiate in good faith with the employing agency.

(c) "To negotiate in food faith" shall not require that any concessions be made by either party but that a good-faith intent be made by both parties to arrive at an agreement and to reduce such agreement to writing within a reasonable period of time.

(d) The Board should be empowered to promulgate appropriate rules and regulations, to investigate, hear and determine charges of unfair labor practices, and to issue remedial orders against either party which shall be enforceable in the Circuit Court in which the conduct occurred. Any party aggrieved by the Board order should have the right of judicial review of such order.

The Federal Government and a number of States have adopted all or most of these unfair labor practices for public employees.

If employees are to be free in their decision to join or not to join an employee organization, there must be assurance that both the employing agency and the employee organization conduct themselves properly while employees make their choice. Once the employees choose an organization to represent them, that organization must be independent of the em-

ploying agency in order to carry on meaningful negotiations and to maintain effective and mutual relationships.

11. Employing agencies should be authorized, but not required, to provide for binding arbitration of disputes concerning the administration or interpretation of collective agreements.

12. The Maryland Public Employee Labor Relations Board should establish a procedure for purposes of mediation of disputes arising out of contract negotiation, including, but not limited to, the maintenance of a list of qualified arbitrators and mediators.

Either party to a negotiation may request mediation, or the Board may on its own initiative proffer the assistance of a mediator.

If an impasse arises despite mediation efforts, either party, both parties, or the mediator may request the Board to establish fact-finding machinery. The Board should make a preliminary investigation to determine whether the fact-finding procedure should be activated or whether further direct negotiations should be recommended to the parties.

Fact-finders should be appointed from the Board and/or from a list of recognized experts maintained by the Board and compiled after consultation with employee organizations and public employing agencies.

A fact-finding tribunal should consist of one or three members selected from the Board's list, as the parties may agree, or in the absence of such an agreement, as the Board may determine, provided further, that if a three-member tribunal is appointed, one member shall represent the State interest, one member shall represent the labor interest, and the third member shall be the neutral chairman of the tribunal. If the parties agree on who shall serve as fact-finders (including persons not on the list), the Board should respect their agreement. Each fact-finder should be compensated in accordance with a schedule established by the Board or as agreed to by the parties, and each party should pay one-half of the neutral fact-finder's fee and expenses.

The fact-finding hearings should be public or private in the discretion of the fact-finding tribunal. The tribunal should have full subpoena power.

A majority of the tribunal should issue its findings and recommendations within 30 days after the tribunal has been appointed, unless it has requested and received an extension of time from the Board. The tribunal should submit its report to the parties, to the Board, and to such other employee organizations or governmental bodies as the tribunal deems appropriate. Within 15 days of the issuing of the tribunal report, the parties should report to the Board whether their dispute has been resolved, and if not, which of the recommendations they respectively accept and which they reject. Thereafter, the Board may make the findings and recommendations of the tribunal public and certify copies to the Governor and to each House of the General Assembly.

The Task Force emphasizes that collective negotiations, mediation, and fact-finding should take place in advance of the time for submission of the budget to the General Assembly. Accordingly the Board should provide in its rules and regulations a time schedule for negotiations of contracts to insure the completion of negotiations prior to the budget submission date and to provide sufficient time to resolve an impasse in the manner provided herein.

13. The Task Force recognizes that there are two views concerning work stoppages among public employees, one of which advocates the absolute prohibition of any work stoppages or any other concerted interferences by employees with the operation of a public service or function; the second of which advocates a limited right to strike among groups of public employees engaged in work which has been described as "non-critical". Both views accept the proposition that no strike should be permitted where the health and safety of the general public is endangered and that, therefore, policemen and firemen among others, should not have the right to strike or to engage in such concerted activities as described

above.[12] *The statute should explicitly affirm the existing powers of the Courts to enjoin illegal strikes and should also make clear that its prohibitions are not designed to limit any inherent judicial power. The statute should also explicitly affirm the employing agency's existing authority to discipline or discharge employees engaged in such strikes. The statute should not provide for the imposition of automatic penalities on striking employees or employee organizations.*[13]

14. The decisions of the Maryland Public Employee Labor Relations Board, except as otherwise provided herein, shall be reviewable in the Circuit Courts and the Maryland Court of Appeals only to the extent that: a) in cases involving unfair labor practices they are not supported by substantial evidence on the record or, b) in representation proceedings they are not arbitrary or capricious.

15. The statute should provide for the submission of an annual report by the chairman of the Maryland Public Employee Labor Relations Board to the Governor. Such report shall contain a summary of the Board's proceedings and activities for the preceding year.

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[12]Messrs. Cook, Heinze and Shawe note their dissent as follows: It is our considered view that all work stoppages should be absolutely prohibited in the public sector, a view which is shared by the Federal Government and by all States which have enacted any legislation in the area of public employee labor relations. We further express the view that the State courts should be empowered to impose appropriate penalties against any person, group of persons or organization(s) which engages in, abets, or in any other way encourages or participates in such work stoppages. The public servant has a unique employment responsibility, substantially unlike that of his counterpart in the private sector. The services he renders usually cannot be obtained elsewhere nor is the citizenry *able* to seek that service outside the governmental apparatus.

Those elected to bear the public trust are held accountable and must provide adequate government as a matter of law or face removal. If the public employee could lawfully strike, he could with impunity choose what services the government would provide and when. For a fuller discussion, *see,* A. H. Raskin, "The Revolt of the Civil Servants," *Saturday Review,* p. 27 (December 7, 1968).

Messrs. Davis and Slicher basically agree with the above view.

[13]Dr. Weinstein dissents on the basis that there will be less incentive to break the law if penalties against the violating union are made severe and automatic. He further asserts that the penalties should not be open for bargaining and the derogation of the legal process.

16. The Governor should have the effectiveness of the statute reviewed and recommend any changes in substance or procedures found necessary.

17. The subdivisions within the State including both the counties and municipalities should be given the option of accepting or rejecting coverage under the statute.[14]

[14]Mr. Heyman dissents because of the following reason: As proposed by the Task Force the Public Employee Labor Relations Law would cover State employees, but leave to the counties and municipalities complete discretion of accepting or rejecting coverage. Hearings held by the Task Force indicate that the problem of labor-management relations between counties and municipalities and their employees is at least as great, if not greater, than the problem presently confronting the State. The object of any proposed legislation is to promote stable and orderly relations for public employers and public employees on all levels of government throughout the State. To omit counties and municipalities is to ignore the area affecting the largest number of employees in public service in Maryland. It is of utmost importance to maintain stability throughout the State; therefore, the law should cover counties and municipalities from its inception.

APPENDIX A

ORGANIZATIONS SUBMITTING WRITTEN AND/OR ORAL STATEMENTS TO THE TASK FORCE

American Association of University Professors
Alfred D. Sumberg and Michael Grossman of the National Office, Washington, D. C.
Dr. Thomas Cripps, President of the Morgan State College chapter of AAUP, Baltimore, Maryland

American Federation of State, County & Municipal Employees, AFL-CIO
Robert H. Hastings, Executive Assistant to the President and Ernest B. Crofoot, Director, Council 67

Anne Arundel County
Ronald A. Leahy, Personnel Officer

Baltimore City
Edward J. Gutman, Commissioner of Labor

Baltimore City Social Service Employees Union
Roger Brown

Baltimore Teachers Union, Local 340 of The American Federation of Teachers, AFL-CIO
Charles Laubheim, Executive Secretary
Joseph Gardner, Field Representative
Edward V. Baubles, Vice President

Board of Education, Baltimore City
Statement of the President presented by Richard Mandel, Administrative Assistant to the President

Chamber of Commerce of Metropolitan Baltimore
Office of the President, Joseph B. Browne

Fraternal Order of Police, Baltimore City Lodge No. 3
Richard A. Simmons, President

Laborers International Union
Henry T. Wilson, Counsel, Federal-Public Service Division

Maryland Association of Counties
William S. Ratchford, II, Executive Secretary, Annapolis, Maryland

Maryland Classified Employees Association
Edward Johns, Director

Maryland Licensed Practical Nurses Association
John D. Mercer, First Vice-President, Unionville, Maryland

Maryland Municipal League
The Honorable John Derr, President and Mayor of Frederick
Robert Helferich, Executive Secretary
The Honorable Dallas G. Truitt, Mayor of Salisbury
Mrs. A. Meyers, Hagerstown, Maryland
Bobby Pal, Member of the Salisbury City Council

Maryland Nurses Association
Mrs. Irene F. Oddo, R.N., Executive Director
W. B. Coe, Legal Counsel

Maryland State and D. C., AFL-CIO
Charles A. Della, President

Maryland State Teachers Association
Charles Wheatley and Mr. Fred Spigler

Maryland State Teachers Association, Higher Education Council
Dr. Gladyce Bradley and Dr. Iva G. Jones

The Classified Municipal Employees Association of Baltimore City
Harry Deitchman, President
Joseph Scannel, First Vice-President

National Assembly of Governmental Employees
Thomas C. Enright, President and Executive Secretary and Counsel of the Oregon State Employees Association, Salem, Oregon

University of Maryland
Bernard J. William, Director of Personnel, College Park, Maryland

Wicomico County Board of Education
W. S. Moore, President, Salisbury, Maryland